

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Livak et al.

Serial No.: 09/627,753

Filed: July 28, 2000

For: **HYBRIDIZATION ASSAY USING SELF-
QUENCHING FLUORESCENCE PROBE**



Group Art Unit: 1656

Examiner: To be assigned

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231 on

Sept. 25, 2000

(Date of Deposit)

mila T. kasan

Name of Depositing Party

mila T. kasan

Signature of Depositing Party

REQUEST FOR A CORRECTED FILING RECEIPT

RECEIVED

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

OCT 23 2000

TECH CENTER 1600/2000

Sir:

Attached is a copy of the Official Filing Receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested. Please make the corrections as follows:

Applicant(s) - Jeffrey Marmaro, Aurora, CO;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CON OF 09/436,454 11/08/99

WHICH IS A CON OF 09/207,170 12/07/98 PAT 6,030,787

WHICH IS A CON OF 08/558,303 11/15/95 PAT 5,876,930

WHICH IS A CIP OF 08/340,558 11/16/94 PAT 5,538,848

The corrections are not due to any error by applicant and no fee is believed to be due. However, the Commissioner is authorized to charge any required fee to **Deposit Account No. 01-2213 (Order No. 4264C5)**.

Respectfully submitted,

Vincent M. Powers

Vincent M. Powers, Reg. No. 36,246
Attorney for Applicants

APPLIED BIOSYSTEMS
850 Lincoln Centre Drive
Foster City, CA 94404
(650) 638-6492 (Phone)
(650) 638-6677 (Fax)



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 02 2000
JC38
PATENT & TRADEMARK OFFICE

RECEIVED
OCT 23 2000

TECH CENTER 1600/2900

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/627,753	07/28/2000	1656	690	4264C5	2	2	1

22896
PATTI SELAN, PATENT ADMINISTRATOR
APPLIED BIOSYSTEMS
850 LINCOLN CENTRE DRIVE
FOSTER CITY, CA 94404

RECEIVED
PE BIO LEGAL DEPT.

FILING RECEIPT



OC000000005394345

SEP 19 2000
DOCKETED YES NO

Date Mailed: 09/13/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Kenneth J Livak, San Jose, CA ;
Susan J.A. Flood, Fremont, CA ;
Jeffrey Mamore, Aurora, CO ;
Khairuzzaman Bashar Mullah, Union City, CA ;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CON OF 09/436,454 11/08/99
WHICH IS A CON OF 09/207,170 12/07/98 PAT 6,030,787

Foreign Applications

WHICH IS A CON OF 08/558,303 11/15/95 PAT 5,876,930
WHICH IS A CIP OF 08/340,558 11/16/94 PAT 5,538,848

If Required, Foreign Filing License Granted 09/12/2000

Title

Hybridization assay using self-quenching fluorescence probe

Preliminary Class

435

Data entry by : RORIE, DEANNA

Team : OIPE

Date: 09/13/2000



**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

BEST AVAILABLE COPY

FILE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

OCT 23 2000



Dib Data Sheet

SERIAL NUMBER 09/627,753	FILING DATE 07/28/2000 RULE	CLASS 435	TECH CENTER 1600/2900 GROUP ART UNIT 1656	ATTORNEY DOCKET NO. 4264C5
-----------------------------	-----------------------------------	--------------	---	----------------------------------

APPLICANTS

Kenneth J Livak, San Jose, CA ;
 Susan J.A. Flood, Fremont, CA ;
 Jeffrey Marnaro, Aurora, CO ;
 Khairuzzaman Bashar Mullah, Union City, CA ;

** CONTINUING DATA *****

THIS APPLICATION IS A CON OF 09/436,454 11/08/1999
 WHICH IS A CON OF 09/207,170 12/07/1998 PAT 6,030,787
 WHICH IS A CON OF 08/558,303 11/15/1995 PAT 5,876,930
 WHICH IS A CON OF 08/340,558 11/16/1994 PAT 5,538,848

6,258,569

** FOREIGN APPLICATIONS *****

IF REQUIRED, FOREIGN FILING LICENSE
 GRANTED ** 09/12/2000

Foreign Priority claimed	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	STATE OR COUNTRY CA	SHEETS DRAWING 2	TOTAL CLAIMS 2	INDEPENDENT CLAIMS 1
35 USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature	Initials			

ADDRESS

22896

TITLE

Hybridization assay using self-quenching fluorescence probe

FILING FEE RECEIVED 690	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other <input type="checkbox"/> Credit
-------------------------------	---	---